

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:21-cv-00740-MHC**

United States of America v. \$2,744,739.17 in funds seized from Bank of
America Account Number XXXXXX4215 in the name American
International Export, Inc.
Assigned to: Judge Mark H. Cohen
Cause: 18:0981 Civil Forfeiture

Date Filed: 02/22/2021
Date Terminated: 12/03/2021
Jury Demand: None
Nature of Suit: 690 Forfeit/Penalty: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Cynthia Beckwith Smith**
Office of the United States Attorney—ATL600
Northern District of Georgia
600 United States Courthouse
75 Ted Turner Dr., S.W.
Atlanta, GA 30303
404-581-6219
Email: cynthia.smith2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**\$2,744,739.17 in funds seized from Bank of
America Account Number XXXXXX4215 in
the name American International Export,
Inc.**

represented by **W. Bruce Maloy**
Maloy Jenkins Parker
Suite 910
1360 Peachtree St.
Atlanta, GA 30309
404-875-2700
Email: maloy@mjplawyers.com
ATTORNEY TO BE NOTICED

Claimant

RAM Investment Group, Inc.
doing business as
American International Export

represented by **David Gerger**
Gerger Hennessy & McFarlane
1001 Fannin, Ste 2450
Houston, TX 77002
713-224-4400
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gus A. Saper
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4306 Yoakum
Houston, TX 77006
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LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Poorav Kumar Rohatgi

Gerger Hennessy & McFarlane

Suite 2450

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LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

W. Bruce Maloy

(See above for address)

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 02/22/2021 | <u>1</u> | COMPLAINT for Forfeiture filed by United States of America. (Attachments: # <u>1</u> Civil Cover Sheet)(ddm) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 02/23/2021) |
| 02/23/2021 | <u>2</u> | TENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 1/27/21. (ddm) (Entered: 02/23/2021) |
| 02/23/2021 | <u>3</u> | STANDING ORDER regarding civil litigation. Signed by Judge Mark H. Cohen on 2/23/21. (jpa) (Entered: 02/23/2021) |
| 02/25/2021 | <u>4</u> | WARRANT FOR ARREST IN REM as to Defendant \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc. filed by United States of America. (aaq) (Entered: 02/26/2021) |
| 03/01/2021 | <u>5</u> | DOCUMENT FILED IN ERROR Return of Service Executed on 3/1/2021 for Warrant for Arrest in Rem. (Sneed, Sekret) Per call from attorney 3/2/21, doc. to be re-filed. (fem). (Entered: 03/01/2021) |
| 03/02/2021 | <u>6</u> | Return of Service Executed on 3/1/2021 for Warrant for Arrest in Rem. (Smith, Cynthia) (Entered: 03/02/2021) |
| 03/10/2021 | <u>7</u> | ELEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 03/09/2021 (adg) (ADI) (Entered: 03/10/2021) |
| 03/11/2021 | <u>8</u> | NOTICE Of Filing Complaint for Forfeiture by United States of America <i>sent to Mohammad Awad at Houston address</i> (Smith, Cynthia) (Entered: 03/11/2021) |
| 03/11/2021 | <u>9</u> | NOTICE Of Filing Complaint for Forfeiture by United States of America <i>sent to American International Export via David Gerger</i> (Smith, Cynthia) (Entered: 03/11/2021) |

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| 03/11/2021 | <u>I 10</u> | NOTICE Of Filing Complaint for Forfeiture by United States of America <i>sent to American International Export via Bruce Maloy</i> (Smith, Cynthia) (Entered: 03/11/2021) |
| 03/11/2021 | <u>I 11</u> | NOTICE Of Filing Complaint for Forfeiture by United States of America <i>sent to Ramon Martinez at Tomball Address</i> (Smith, Cynthia) (Entered: 03/11/2021) |
| 03/11/2021 | <u>I 12</u> | NOTICE Of Filing Complaint for Forfeiture by United States of America <i>sent to RAM Investments at Houston address</i> (Smith, Cynthia) (Entered: 03/11/2021) |
| 04/12/2021 | <u>I 13</u> | NOTICE of Appearance by W. Bruce Maloy on behalf of claimant RAM Investment Group, Inc. d/b/a American International Export. (Maloy, W.) Modified on 4/13/2021 to edit filers, parties, and text(tmf). (Entered: 04/12/2021) |
| 04/12/2021 | <u>I 14</u> | APPLICATION for Admission of Gus A. Saper Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10893857) by RAM Investment Group, Inc.. (Maloy, W.) Documents for this entry are not available for viewing outside the courthouse. Modified on 4/13/2021 to edit filer and text (tmf). (Entered: 04/12/2021) |
| 04/13/2021 | <u>I 15</u> | APPLICATION for Admission of Poorav Kumar Rohatgi Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10896841).by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. (Maloy, W.) Documents for this entry are not available for viewing outside the courthouse. (Entered: 04/13/2021) |
| 04/13/2021 | <u>I 16</u> | APPLICATION for Admission of David Benjamin Gerger Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10896879).by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. (Maloy, W.) Documents for this entry are not available for viewing outside the courthouse. (Entered: 04/13/2021) |
| 04/13/2021 | <u>I 17</u> | Certificate of Interested Persons by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. (Maloy, W.) (Entered: 04/13/2021) |
| 04/13/2021 | <u>I 18</u> | Verified Claim of American International Export by RAM Investment Group, Inc.. (Maloy, W.) Modified on 4/14/2021 to edit text (rlb). (Entered: 04/13/2021) |
| 04/14/2021 | <u>I</u> | APPROVAL by Clerks Office re: <u>14</u> APPLICATION for Admission of Gus A. Saper Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10893857).. Attorney Gus A. Saper added appearing on behalf of RAM Investment Group, Inc. (nmb) (Entered: 04/14/2021) |
| 04/14/2021 | <u>I</u> | MINUTE ORDER granting <u>14</u> Application for Admission Pro Hac Vice of Gus A. Saper by CRD at the direction of the Court. Approved by Judge Mark H. Cohen on April 14, 2021. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(lwb) (Entered: 04/14/2021) |
| 04/15/2021 | <u>I</u> | APPROVAL by Clerks Office re: <u>16</u> APPLICATION for Admission of David Benjamin Gerger Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10896879). Attorney David Gerger added appearing on behalf of RAM Investment Group, Inc. (cdg) (Entered: 04/15/2021) |
| 04/15/2021 | <u>I</u> | APPROVAL by Clerks Office re: <u>15</u> APPLICATION for Admission of Poorav Kumar Rohatgi Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10896841). Attorney Poorav Kumar Rohatgi added appearing on behalf of RAM Investment Group, Inc. (cdg) (Entered: 04/15/2021) |
| 04/15/2021 | <u>I</u> | MINUTE ORDER granting <u>15</u> Application for Admission Pro Hac Vice of Poorav Kumar Rohatgi; and granting <u>16</u> Application for Admission Pro Hac Vice of David Benjamin Gerger by CRD at the direction of the Court. Approved by Judge Mark H. Cohen on April 15, 2021. If the applicant does |

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| | | not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(lwb) (Entered: 04/15/2021) |
| 04/16/2021 | <u>I</u> | Clerk's Certificate of Mailing re Order on Application for Admission PHV to Poorav Kumar Rohatgi. (adg) (Entered: 04/16/2021) |
| 04/21/2021 | <u>I</u> | Clerks Notation re <u>17</u> Certificate of Interested Persons reviewed by MHC. (lwb) (Entered: 04/21/2021) |
| 05/03/2021 | <u>I</u> <u>19</u> | MOTION to Dismiss and MOTION for Return of Property by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc. (Maloy, W.) . Added MOTION for Return of Property on 5/4/2021 (jpa). (Entered: 05/03/2021) |
| 05/03/2021 | <u>I</u> <u>20</u> | MOTION for Oral Argument by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. (Maloy, W.) (Entered: 05/03/2021) |
| 05/04/2021 | <u>I</u> | Notification of Docket Correction re <u>19</u> MOTION to Dismiss MOTION for Return of Property. Two part motion docketed as one. Added Motion for Return of Property. (jpa) (Entered: 05/04/2021) |
| 05/12/2021 | <u>I</u> <u>21</u> | Notice for Leave of Absence for the following date(s): June 7, 2021 through June 13, 2021; July 19, 2021 through July 23, 2021, by Cynthia Beckwith Smith. (Smith, Cynthia) (Entered: 05/12/2021) |
| 05/17/2021 | <u>I</u> <u>22</u> | RESPONSE in Opposition re <u>20</u> MOTION for Oral Argument , <u>19</u> MOTION to Dismiss MOTION for Return of Property filed by United States of America. (Smith, Cynthia) (Entered: 05/17/2021) |
| 06/01/2021 | <u>I</u> <u>23</u> | REPLY to Response to Motion re <u>19</u> MOTION to Dismiss MOTION for Return of Property filed by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. (Maloy, W.) (Entered: 06/01/2021) |
| 06/04/2021 | <u>I</u> | Submission of <u>19</u> MOTION to Dismiss MOTION for Return of Property, <u>20</u> MOTION for Oral Argument , to District Judge Mark H. Cohen. (jpa) (Entered: 06/04/2021) |
| 06/29/2021 | <u>I</u> <u>24</u> | ORDER GRANTING the <u>20</u> Motion for Oral Argument. Oral argument shall be held on Claimant's <u>19</u> Motion to Dismiss & for Return of Property in Courtroom 1905 of the Richard B. Russell United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia, on July 29, 2021, at 10:30 a.m. Signed by Judge Mark H. Cohen on 6/29/21. (jpa) (Entered: 06/29/2021) |
| 06/29/2021 | <u>I</u> | NOTICE of Hearing on Motion re: <u>19</u> MOTION to Dismiss and for Return of Property. Motion Hearing set for 7/29/2021 at 10:30 AM in ATLA Courtroom 1905 before Judge Mark H. Cohen. (jpa) (Entered: 06/29/2021) |
| 07/22/2021 | <u>I</u> <u>25</u> | Notice for Leave of Absence for the following date(s): 4/3/2022–4/25/2022, by W. Bruce Maloy. (Maloy, W.) (Entered: 07/22/2021) |
| 07/29/2021 | <u>I</u> <u>26</u> | Minute Entry for proceedings held before Judge Mark H. Cohen: Motion Hearing held on 7/29/2021 re <u>19</u> MOTION to Dismiss. The Court heard argument of the parties on the motion to dismiss. The Court took the matter under advisement and an order will be forthcoming. (Court Reporter Judith Wolff)(jpa) (Entered: 07/29/2021) |
| 07/29/2021 | <u>I</u> <u>27</u> | ORDER DENYING the <u>19</u> Motion to Dismiss. Signed by Judge Mark H. Cohen on 7/29/21. (jpa) (Entered: 07/29/2021) |
| 08/02/2021 | <u>I</u> <u>28</u> | TRANSCRIPT of the Motion to Dismiss Hearing Proceedings held on July 29, 2021, before Judge Mark H. Cohen. Court Reporter/Transcriber Judith M. Wolff. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . |

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| | | Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/23/2021. Redacted Transcript Deadline set for 9/2/2021. Release of Transcript Restriction set for 11/1/2021. (Attachments: # <u>1</u> Notice of Filing of Official Transcript) (kac) (Entered: 08/02/2021) |
| 08/12/2021 | <u>29</u> | ANSWER to Complaint for Forfeiture by \$2,744,739.17 in funds seized from Bank of America Account Number XXXXXX4215 in the name American International Export, Inc.. Discovery ends on 1/10/2022.(Maloy, W.) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/12/2021) |
| 09/09/2021 | <u>30</u> | Joint MOTION to Stay <i>Proceedings</i> with Brief In Support by United States of America. (Attachments: # <u>1</u> Brief Memorandum of Law in Support, # <u>2</u> Text of Proposed Order)(Smith, Cynthia) (Entered: 09/09/2021) |
| 09/09/2021 | <u>31</u> | ORDER granting <u>30</u> Motion to Stay. It is ORDERED that the above-referenced civil forfeiture action be stayed for ninety days. Signed by Judge Mark H. Cohen on 9/9/21. (jpa) (Entered: 09/09/2021) |
| 11/16/2021 | <u>32</u> | Notice for Leave of Absence for the following date(s): December 23, 2021, December 27, 2021 and December 29, 2021 through January 10, 2022, by Cynthia Beckwith Smith. (Smith, Cynthia) (Entered: 11/16/2021) |
| 12/03/2021 | <u>33</u> | Joint MOTION to Change Venue with Brief In Support by United States of America. (Attachments: # <u>1</u> Brief In Support, # <u>2</u> Text of Proposed Order)(Smith, Cynthia) (Entered: 12/03/2021) |
| 12/03/2021 | <u>34</u> | ORDER granting <u>33</u> Motion to Change Venue. It is hereby ORDERED that his case be TRANSFERRED to the Southern District of Texas. Signed by Judge Mark H. Cohen on 12/3/21. (jpa) (Entered: 12/03/2021) |
| 12/03/2021 | <u>I</u> | Civil Case Terminated. (jpa) (Entered: 12/03/2021) |